

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the "Commissioner for Patents, Washington, D.C. 20231" on

Atty Dkt No. 0300-0016
Affymax Dkt. No. 2111
PATENT

#10
2/21/02
NW

January 25, 2002

1/25/02

Margaret K. Jolley
Signature



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
FEB 11 2002
TECH CENTER 1600/2900

In Re Application of:
Bruce MORTENSEN et al.

Serial No.: 09/803,426

Group Art Unit: 1641

Filing Date: March 9, 2001

Examiner: M. Tran

Title: FLUORESCCEIN-CYANINE 5 AS A FLUORESCENCE RESONANCE ENERGY TRANSFER PAIR

COMMUNICATION REGARDING POWER OF ATTORNEY FILED 1/02/2002

Commissioner for Patents
Washington, DC 20231

Sir:

Applicants respectfully request the Office to disregard the Power of Attorney filed on January 2, 2002. The document inadvertently omitted a copy of the assignment from SmithKline Beecham Corporation, the assignee of record, to Affymax, the assignee executing the Power of Attorney, which would have provided the statement of ownership set forth in 37 C.F.R. §3.73(b)(1)(i) and required by Section 324 of the Manual of Patent Examining Procedure to establish ownership when an assignee appoints its own attorney or agent. This omission renders the document submitted ineffective to revoke the existing power of attorney.

Applicants regret any inconvenience caused by the omission of the Rule 3.73(b) statement from the Power of Attorney, and respectfully request that the action revoking the prior power of attorney to Dianne E. Reed, Reg. No. 31,292, J. Elin Hartrum, Reg. No. 43,663, Mark A. Wilson, Reg. No. 43,275, and Louis L. Wu, Reg. No. 44,413 (all of Reed & Associates, PTO Customer No. 23980) be withdrawn.

A Grant of Associate Power of Attorney is submitted herewith to name those attorneys in the January 2, 2002 Power of Attorney as associate attorneys in this case.

If the Office has any questions concerning this communication, or would like to discuss the application, the accompanying response, or other pertinent matters, she is welcome to contact the undersigned attorney at 650-330-0900.

Respectfully submitted,

Date: 1/25/02

By: Dianne E. Reed
Dianne E. Reed
Registration No. 31,292

REED & ASSOCIATES
800 Menlo Avenue, Suite 210
Menlo Park, California 94025
(650) 330-0900 Telephone
(650) 330-0980 Facsimile

F:\Document\0300\0016\Amendment and Response to Restriction Requirement.

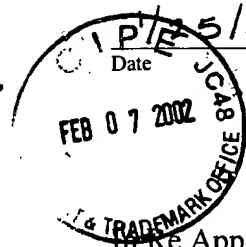
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to "Commissioner for Patents, Washington, DC 20231" on

Atty Dkt No. 0300-0016

Affymax No. 2111

PATENT

January 25, 2002



Date

Signature

Margaret K. Klipping

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Bruce MORTENSEN et al.

Serial No.: 09/803,426

Group Art Unit: 1641

Filing Date: March 9, 2001

Examiner: M. Tran

Title: FLUORESC EIN-CYANINE 5 AS A FLUORESCENCE RESONANCE ENERGY TRANSFER PAIR

AMENDMENT TRANSMITTAL LETTER

Commissioner for Patents
Washington, DC 20231

Sir:

Transmitted herewith for filing is an amendment in the above patent application in response to the Office Action of October 25, 2001.

Also enclosed:

- Communication Regarding Power of Attorney Filed 1/02/2002;
- Appointment of Associate Attorneys and Agents;
- Supplemental Information Disclosure Statement, Form PTO-1449, and reference; and
- Copies of references previously cited as submitted 7/18/01 including receipted postcard.

No additional amendment fee is required.

TECH CENTER 1600/2900

FEB 11 2002

RECEIVED

| No. of Claims After Amendment | | | Most Claims Previously Paid | | Extra Claims | | | | Additional Fee |
|---|----|---|-----------------------------|---|--------------|---|-------|---|----------------|
| A. Total Claims | 40 | - | 40 | = | 0 | x | \$18 | = | 0.00 |
| B. Ind. Claims | 2 | - | 3 | = | 0 | x | \$84 | = | 0.00 |
| C. If amended to contain multiple dependent claims, add \$280 | | | | | | | \$280 | = | 0.00 |
| D. Total Amendment Fee (Total of A, B & C) | | | | | | | | = | 0.00 |
| E. If small entity, 50% reduction of Total Amendment Fee (50% of D) | | | | | | | | = | 0.00 |
| F. Total Amendment Fee (D minus E) | | | | | | | | = | 0.00 |

A check for \$180.00 to cover the Supplemental IDS submitted with the response to the first Office Action.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-0580. **A duplicate copy of this sheet is enclosed.**

Respectfully submitted,

Date: 1/25/02

By: Dianne E. Reed
Dianne E. Reed
Registration No. 31,292

REED & ASSOCIATES
800 Menlo Avenue, Suite 210
Menlo Park, California 94025
(650) 330-0900 Telephone
(650) 330-0980 Facsimile

F:\Documents\0300\0016\Amendment Transmittal Letter



Patent Docket No.: 0300-0016

Mailing Date: July 18, 2001

Inventor(s): Richard Bruce Mortensen et al.

Serial No.: 09/803,426

Filing Date: March 9, 2001

Document(s): Response to Notice to File Missing Parts; copy of Notice to File Missing Parts; Combined Declaration & POA; Blanket Petition; Transmittal of Formal Drawings, including four sheets of formal drawings; IDS; Forms PT0-1449; copies of cited references; \$1,352 check.



RECEIVED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE